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January 3, 2017

VIA Electronic Mail

Mr. Jeff. S. Jordan  
Assistant General Counsel  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20436

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Re: MUR 7199, Floridians for a Strong Middle Class

Dear Mr. Jordan:

I write on behalf of respondents Floridians for a Strong Middle Class and its treasurer, Jennifer May (together "FSMC"), to respond to the complaint dated November 2, 2016 filed by Foundation for Accountability & Civic Trust (the "Complaint"). FSMC respectfully requests that the Federal Election Commission (the "Commission" or the "FEC") promptly determine that there is no reason to believe FSMC violated the Federal Election Campaign Act ("FECA" or the "Act") as the Complaint alleges, or in any other manner that might be considered from the Complaint's factual allegations and legal contentions.

The Complaint does not allege any facts that amount to coordination. A communication is coordinated only if it is 1) paid for by a third party; 2) satisfies one of the FEC's "content" standards; and 3) satisfies one of the FEC's "conduct" standards. 11 C.F.R. § 109.21(a). At no point does the Complaint identify a specific communication paid for by FSMC. The Complaint also never identifies any action that satisfies a conduct standard.

The Complaint merely recycles baseless claims from earlier complaints filed by the complainant regarding FSMC. Compare Complaint at 1 (The "numerous financial transfers between Murphy, his father, their family company, and [FSMC]. . . . indicate coordination between Murphy and [FSMC] ....") with MUR 7138 complaint at 3 ("Also indicative of coordination are the close financial ties between Murphy and the two super PACs [FSMC and Senate Majority PAC] ...") and with MUR 7067 complaint at 2 ("It is indicative of coordination that [FSMC] has received ... funding from ... his father with whom he is financially tied."). FSMC has the same response as in MURs 7067 and 7138: Contributions do not indicate coordination. Coordination occurs only when a communication is created at the request or

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suggestion of a candidate, or when another prong of the FEC's conduct standard is evident. *See* 11 C.F.R. § 109.21(d). Contributions themselves are not evidence of coordination, even when received from a person related to a candidate.

The Complaint also makes an allegation about Murphy's sale of Coastal Construction Group ("CCG") stock. Complaint at 2. FSMC has no knowledge of this transaction. Moreover, nowhere does the Complaint allege that FSMC received financial contributions that violate the Act.

Because the Complaint fails to allege facts that give rise to a reasonable inference that FSMC's communications were coordinated with a candidate, we respectfully ask the Commission to determine there is no reason to believe a violation of the Act has occurred. *See* Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12,545, 12,546 (Mar. 16, 2007).

Respectfully submitted,



Allen H. Mattison  
Counsel for Respondents  
Floridians for a Strong Middle Class  
and Jennifer May, as Treasurer